

Docket No.: 050229-0447



TFW

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
MUMPER, Russell et al.	:	Confirmation Number: 8574
Application No.: 10/528,817	:	Group Art Unit: 1635
Filed: March 07, 2006	:	Examiner: Schnizer, Richard A.
For: NANOPARTICLE-BASED VACCINE DELIVERY SYSTEM CONTAINING ADJUVANT		

**AMENDMENT**

Mail Stop Restriction

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Noting the Office Action of June 25, 2007 wherein restriction has been required,  
Applicant hereby elects **Group I, (claims 1-8 and 10-14)** for prosecution in the above-identified  
application, with traverse.

The Examiner requires restriction under 35 U.S.C. 121 in the following manner:

**Group 1**, including claims **1-8**, and **10-14** directed to a vaccine delivery system comprising adjuvant and a plurality of nanoparticles comprising a nucleic acid encoding an immunogenic polypeptide;

**Group 2**, including claims **1-7** and **9-12**, directed to a vaccine delivery system comprising adjuvant and a plurality of nanoparticles comprising an immunogenic polypeptide antigen;

**Group 3**, including claims **15-26**, directed to a methods of immunizing an animal comprising administering to the animal a vaccine delivery system comprising adjuvant and a plurality of nanoparticles comprising a nucleic acid encoding an immunogenic polypeptide; and

**Group 4**, including claims **15-22** and **26**, directed to methods of immunizing an animal comprising administering to the animal a vaccine delivery system comprising adjuvant and a plurality of nanoparticles comprising an immunogenic polypeptide antigen.

It is respectfully submitted that the restriction requirement is too narrowly drawn and that, in particular Group 2 should be rejoined with Group 1, since it is not an undue burden on the Examiner to search both a vaccine delivery system comprising adjuvant and a plurality of nanoparticles comprising an immunogenic polypeptide antigen, and a delivery system comprising adjuvant and a plurality of nanoparticles comprising a nucleic acid encoding an immunogenic polypeptide. Examination of the claims drawn to either apparatus would most likely uncover relevant art related to the other apparatus.

Applicant respectfully requests reconsideration and withdrawal of the restriction/election requirements and requests prosecution of the application in its entirety. However, in response to the requirement, Applicant respectfully reserves the right to have rejoined and examined any non-elected withdrawn claims that depend from or include the limitations of an allowed linking claim, and respectfully requests notification by the Examiner that any canceled, non-elected claims which depend from or include all the limitations of allowable linking claims may be reinstated by submission of an amendment, pursuant to M.P.E.P. §809.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Please recognize our Customer No. 20277  
as our correspondence address.**